

EXHIBIT 1

From: [Katy Peaslee](#)
To: [Sarah Salomon](#); [Emily Cronin](#); [KVP-OAI](#); [OpenAICopyright@mofo.com](#); [openaicopyrightlitigation.lwteam@lw.com](#); [Adhan Muttalib](#)
Cc: [newyorktimes_microsoft_ohs@orrick.com](#); [NewYorkTimes-Microsoft-FDBR@faegredrinker.com](#); [NYT-AI-SG-Service@simplelists.susmangodfrey.com](#); [dailynews-ai-rfem@rothwellfigg.com](#)
Subject: RE: NYT v. Microsoft et al.: date ranges for NYT search terms
Date: Monday, December 23, 2024 4:23:58 PM
Attachments: [2024-12-23 - Master OAI list with NYT's 12-23 Proposed Custodians.xlsx](#)

[EXTERNAL]



Hi Sarah,

To your question below:

1. Correct
2. The Times will agree to search back to 1/1/2022 for these additional custodians. It does not, however, agree to search back to 2018 (except for with regard to Chris Wiggins, for whom The Times has previously agreed to collected data back to 2018). The Times previously agreed to extend certain custodians' collections in an effort to compromise; but OpenAI hasn't provided any justification to support the burden of collecting and hosting four additional years of email data for yet more custodians, extending back years before OpenAI's GPT product was publicly released. In the hope of reaching further compromise, The Times is willing to have an attorney work with each of these additional custodians to manually search their emails for any mention of "OpenAI" or "ChatGPT" from 2018 through 2021. Please let us know if you agree.
3. The Court has denied OpenAI's request for general discovery into The Times's use of GenerativeAI, and Jason Sobel and Chris Wiggins have technical focuses unlikely to have documents regarding The Times' policies about Defendants' GenerativeAI tools.

The attached excel contains The Times's proposed additional custodians for OAI's existing search terms. Note that The Times has not yet collected all data sources for new custodians, so we anticipate these numbers will substantially increase. We're aiming to have hit counts for proposed additional terms later this week.

Katy

From: Sarah Salomon <SSalomon@keker.com>
Sent: Thursday, December 19, 2024 1:08 PM
To: Katy Peaslee <KPeaslee@susmangodfrey.com>; Emily Cronin <ECronin@susmangodfrey.com>; KVP-OAI <KVPOAI@keker.com>; OpenAICopyright@mofo.com; openaicopyrightlitigation.lwteam@lw.com
Cc: newyorktimes_microsoft_ohs@orrick.com; NewYorkTimes-Microsoft-FDBR@faegredrinker.com; NYT-AI-SG-Service@simplelists.susmangodfrey.com; dailynews-ai-rfem@rothwellfigg.com
Subject: RE: NYT v. Microsoft et al.: date ranges for NYT search terms

EXTERNAL Email

Katy,

Thanks for your response. Some clarifying questions:

- Am I correct that the hit counts in Rows T and U are unique hits for newly-added custodians (i.e., the ones in red in column F)?
- You say below that, for the terms in Rows 2, 3, and 5, “The Times’s agreement to add the custodians requested by OpenAI . . . only applies to th[e] already-collected timeframe.” To confirm, that means you will agree to run these terms against the files of the newly-added custodians for November 2022 to May 2024, but not back to 2018, as you’ve otherwise agreed is the appropriate timeframe for these terms? What is your basis for this cut-off? The hit counts you’ve provided reflect that these custodians are likely to have responsive documents—the terms should be run against their files going back to 2018 as well.
- What is your basis for refusing to run term 32 against the files of Jason Sobel and Chris Wiggins?

Please provide responses to the above questions, as well as an ETA for hit reports for new custodians and for terms for OpenAI’s Third RFPs, by tomorrow.

Thanks,

Sarah Salomon

Keker, Van Nest & Peters LLP
633 Battery Street
San Francisco, CA 94111-1809
415 962 8828 direct | 415 391 5400 main
ssalomon@keker.com | [vcard](#) | keker.com